

112TH CONGRESS
1ST SESSION

H. R. 2002

To amend title 38, United States Code, to permit disabled or injured members of the Armed Forces to transfer Post 9/11 Educational Assistance benefits after retirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. CHAFFETZ introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to permit disabled or injured members of the Armed Forces to transfer Post 9/11 Educational Assistance benefits after retirement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SERVICE-CONNECTED DEATH, DISABILITY, OR**
4 **INJURY EXCEPTION FOR TRANSFERABILITY**
5 **OF POST 9/11 VETERANS EDUCATIONAL AS-**
6 **SISTANCE BENEFITS.**

7 Section 3319 of title 38, United States Code, is
8 amended—

1 (1) in subsection (b)—

2 (A) by striking “(b) ELIGIBLE INDIVID-
3 UALS.—An individual,” and inserting the fol-
4 lowing:

5 “(b) ELIGIBLE INDIVIDUALS.—

6 “(1) IN GENERAL.—An individual”;

7 (B) by redesignating paragraphs (1) and
8 (2) as subparagraphs (A) and (B) and moving
9 them two ems to the right; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(2) APPROVAL AFTER DEATH IN LINE OF
13 DUTY.—Notwithstanding the service requirements
14 under paragraph (1), an individual referred to in
15 subsection (a) shall also include an individual who
16 elected to transfer educational assistance as de-
17 scribed in subsection (a) but whose application for
18 such transfer was not approved before such indi-
19 vidual died in line of duty.”; and

20 (2) in subsection (f)—

21 (A) by striking “(1) TIME FOR TRANS-
22 FER.—Subject to” and inserting the following:

23 “(1) TIME FOR TRANSFER.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B) and subject to”; and

1 (B) by adding at the end the following:

2 “(B) EXCEPTION.—

3 “(i) TIME FOR TRANSFER FOR SERV-
4 ICE-CONNECTED DISABILITY OR INJURY IN
5 LINE OF DUTY.—The limitation under sub-
6 paragraph (A) with respect to the time to
7 transfer entitlement benefits under this
8 section shall not apply if an individual is
9 discharged or released from active duty in
10 the Armed Forces in accordance with sec-
11 tion 3311(c)—

12 “(I) due to a service-connected
13 disability; or

14 “(II) after sustaining an injury
15 in line of duty that requires hospital,
16 nursing home, or domiciliary care or
17 treatment.

18 “(ii) EXTENDED PERIOD OF ELIGI-
19 BILITY.—Such individuals may transfer
20 entitlement benefits under this section—

21 “(I) before the end of the 36-
22 month period beginning on the date of
23 discharge or release from active duty
24 in the Armed Forces; or

1 “(II) before the end of the 48-
2 month period beginning on the date of
3 such discharge or release if the Sec-
4 retary concerned determines special
5 circumstances exist.

6 “(iii) ALTERNATIVE PERIOD OF ELIGI-
7 BILITY.—For individuals described in sub-
8 paragraph (B)(i) who were discharged or
9 released from active duty in the Armed
10 Forces after August 1, 2009 but before the
11 date of the enactment of this subpara-
12 graph, the extended periods of eligibility
13 described in subparagraph (ii) shall begin
14 on the date of the enactment of this sub-
15 paragraph.

16 “(C) ADDITIONAL OPPORTUNITY TO MAKE
17 ELECTION.—An individual described in sub-
18 paragraph (B)(i) may elect to transfer the indi-
19 vidual’s entitlement under subsection (a), or to
20 make changes to the dependent or dependents
21 designated as the transferee or transferees of
22 the individual’s entitlement under this section,
23 one or more times during the time period re-
24 ferred to in subparagraph (B)(ii).”.

1 **SEC. 2. EFFECTIVE DATE.**

2 The amendments made by this Act to section 3319
3 of title 38, United States Code, shall apply with respect
4 to individuals who became eligible to transfer benefits
5 under such section on or after August 1, 2009.

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